# IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO. 111 OF 2005

IN

FIRST APPEAL NO. 87 OF 2005

MRS.MARIA CELSA GOMES,DONAPAULA GOA. ....Applicants

Versus

SMT.MARIA AMALIA PEREIRA(DEC.) THROU'L.RS., ....Respondents

Shri A.R.kantak, Advocate for the Applicant.

Mr.C.A.Coutinho, Advocte for the Respondent No.1.

Mr. M.S. Usgaocar, Senior Advocate with Mr. I. Agha, Advocate for the Respondent No.3.

Coram:- R. M. LODHA &
N. A. BRITTO, JJ.

Date:- 6th September, 2005

P.C.:

Heard Shri Kantak, learned Advocate for the Applicants, Shri Coutinho, learned Advocate for the Respondent No.1 and learned Senior Advocate Shri Usgaoncar for the respondent No.2.

It is submitted that ad-interim order staying the operation of the impugned Award granted on 5.4.2005 may be ordered to remain operative until disposal of the First Appeal. We order accordingly.

As regards the prayer made in the Civil Application for direction to respondent No.1 to refund the amount of Rs.65,25,160/- along with interest at the rate of 12% per annum with effect from 7.2.96, we are

satisfied that no such direction needs to be given to the respondent No.1. However we direct the Respondent No.1 to file an undertaking before this Court within two weeks from today that in the event of the appellant succeeding in the appeal and in the light of the final order that may be passed by this Court in First Appeal, if any amount is liable to be refunded by the respondent No.1, the said respondent would do so within four weeks of the Judgment in the First Appeal along with simple interest at the rate of 6% per annum from the date of filing appeal before this Court until the date of actual payment.

Civil Application stands disposed of.

R. M. LODHA, J.

N. A. BRITTO, J.